REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed October 28, 2008 (the "Office Action"). Claims 11-16 and 22-26 are pending. Claims 1-10 and 17-21 are cancelled without prejudice or disclaimer to the subject matter therein. New claims 22-26 are presented and claims 11-16 are hereby amended. Applicants respectfully submit that the new and amended claims are supported by the specification and claims as originally filed. Support for the subject matter of the new and amended claims may be found, for instance, in original claims 1, 8, 9, 10, and 11 and in the originally filed specification at page 6, lines 17-22. Applicants respectfully request allowance of the pending claims for the following reasons.

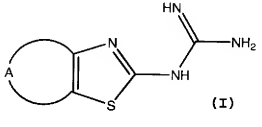
Restriction Requirement

The Examiner has made final the restriction requirement first set forth in the June 9, 2008 Restriction Requirement. Applicants confirm the election with traverse of Group II, and the compound of N-[6-(3,4-dimethoxy-phenyl)-4,5,6,7-tetrahydrobenzothiazol-2yl]-guanidine as the elected species. New claims 22-26 also correspond to the elected group II. Applicants respectfully submit that at least independent claims 11 and 24 are generic to the elected species. Accordingly, rejoinder of the non-elected species is requested at this time.

Indefiniteness — 35 U.S.C. § 112, 2nd ¶

Claims 8-11, 17, and 18 are rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Claim 8 is alleged to be indefinite because "the term Formula [I] is not defined in the claim." Claims 8-10, 17 and 18 are cancelled, and the rejection is moot with respect to these claims. Claim 11 has been amended to explicitly define "formula I" as the compound identified as formula I in original claim 1:



(I)

Applicants respectfully submit that the amendment of claim 11 overcomes the indefiniteness rejection.

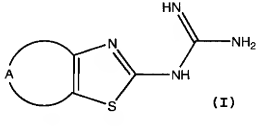
The Office Action also rejects claim 11 as being indefinite for lacking sufficient antecedent basis for the claim element "compounds according to claim 10 in which the substituents is/are." Claim 11 has been amended to remove all reference to claim 10. Accordingly, Applicants respectfully submit that the rejection for indefiniteness under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Enablement — 35 U.S.C. § 112, 1st ¶

Claims 8-11, 17 and 18 are rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. As noted above, claims 8-10, 17 and 18 have been cancelled. The Office Action alleges that the specification is not enabling for making solvates of the claimed compounds. Applicants respectfully disagree that the specification does not enable solvates. The Examiner correctly notes that the specification is enabling for salts. *See* Office Action, page 5. Claim 11, as amended, recites "pharmaceutically acceptable salt thereof." Applicants respectfully submit that the rejection of the claims for lack of enablement under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Anticipation — 35 U.S.C. § 102

Claims 8-11 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by the disclosure in *Tetrahedron Letters*, 42, 8911-8913 to Marikno, *et al* (2001) (the "Marinko" reference). Claims 8-10 are cancelled. Claim 11 is directed to a compound of formula (I):



(I)

Claim 11 further specifies that "at least one of the carbon atoms of A is substituted by one or more":

- methyl, ethyl, n-propyl, isopropyl, n-butyl, isobutyl, *sec*-butyl, *tert*-butyl, 1,1-dimethylpropyl, allyl or cyclohex-1-enyl groups; or

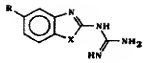
- phenyl, o-tolyl, m-tolyl, p-tolyl, 2-ethylphenyl, 3-fluorophenyl, 4-fluorophenyl, 4-chlorophenyl, 4-cyanophenyl, 4-benzyloxyphenyl, 3-methoxyphenyl, 4-methoxyphenyl, 3,4-dimethoxyphenyl, 3,4-methylenedioxyphenyl or bis-3,5-trifluoromethylphenyl groups; or
- thiophene-2-yl or benzyl groups; or
- cyano or cyanoethyl groups; or
- pentamethylene groups linked at each end to a single carbon atom.

To anticipate claim 11, a compound must include a substitution of at least one of the carbon atoms of A from this list of groups. The Office Action cites Formula 6b of Marikno as allegedly anticipating claim 11. Although Formula 6b of Marikno is substituted by an ethoxycarbonyl group, claim 11 does not include ethoxycarbonyl among the required substituents of at least one of the carbon atoms of A. It is axiomatic that anticipation requires the prior art reference disclose every limitation of the claimed invention. Marikno fails to anticipate claim 11 because it does not disclose a substitution of at least one of the carbon atoms of A that meets the claimed requirements. Accordingly, the rejection of claim 11 as being anticipated by Marinko is improper and must be withdrawn. Claims 12-16 and 22-23 depend from claim 11 and are likewise not anticipated.

Claims 8-10 and 11 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by the disclosure in *Mol. Pharmacology*, 46, 732-742 (1994) to Morain, *et al.* (the "Morain" reference). Claims 8-10 are cancelled. As discussed above, claim 11 specifies that "at least one of the carbon atoms of A is substituted by one or more":

- methyl, ethyl, n-propyl, isopropyl, n-butyl, isobutyl, *sec*-butyl, *tert*-butyl, 1,1-dimethylpropyl, allyl or cyclohex-1-enyl groups; or
- phenyl, o-tolyl, m-tolyl, p-tolyl, 2-ethylphenyl, 3-fluorophenyl, 4-fluorophenyl, 4-chlorophenyl, 4-cyanophenyl, 4-benzyloxyphenyl, 3-methoxyphenyl, 4-methoxyphenyl, 3,4-dimethoxyphenyl, 3,4-methylenedioxyphenyl or bis-3,5-trifluoromethylphenyl groups; or
- thiophene-2-yl or benzyl groups; or
- cyano or cyanoethyl groups; or
- pentamethylene groups linked at each end to a single carbon atom.

To anticipate claim 11, a compound must include a substitution of at least one of the carbon atoms of A from this list of groups. The allegedly anticipatory structure of Morain, as excerpted from the article on page 733, is shown below:



Compound	R	X
2-guanidino-5-methylbenzimidazole	CH_3	NH
2-guanidino-5-trifluoromethylbenzimidazole	CF_3	NH
2-guanidino-5-trifluoromethylbenzothiazole	CF_3	S
2-guanidino-5-trifluoromethylbenzoxazole	CF_3	O

According to the above table, when X = S then R must be CF_3.

Claim 11, as amended, requires that A be substituted by at least one of the groups listed above, of which CF_3 (trifluoromethyl) is not listed. Although Morain discloses a compound substituted by a trifluoromethyl group, claim 11 does not include trifluoromethyl among the required substituents of at least one of the carbon atoms of A. To anticipate, a prior art reference must disclose every element of the claimed invention. Morain fails to anticipate claim 11 because it does not disclose a substitution of at least one of the carbon atoms of A that meets the claimed requirements. Accordingly, the rejection of claim 11 as being anticipated by Morain is improper and must be withdrawn. Claims 12-16 and 22-23 depend from claim 11 and are likewise not anticipated.

Further, the claimed invention also requires that "A is a three to six carbon atom chain, wherein (i) A does not comprise double bonds. . . ." But Morain discloses a benzyl ring which includes double bonds delocalized throughout the ring structure. Accordingly, the rejection of claim 11 as being anticipated by Morain is improper and must be withdrawn. Claims 12-16 and 22-23 depend from claim 11 and are likewise not anticipated by Morain.

New Claims

New claims 24-26 are directed to compounds that are novel in view of Morain and Marinko. For example, claim 24 recites the requirement that "A is a three to six carbon atom chain which together with the thiazole ring can form a cyclopentathiazole, benzothiazole, cycloheptathiazole, pyranothiazole, thiazolpyridine, thiazoloazepine or thiazolooxepane skeleton which contains only the two double bonds of the thiazole

component." Claim 24 requires at least one of the carbon atoms of A is substituted from the same list of groups specified in claim 11. Claims 24-26 are therefore novel in view of the cited references for reasons similar to those given for claim 11.